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## STATE LAWS AND REGULATIONS PERTAINING TO PUBLIC HEALTH.

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### COLORADO.

#### Habit-Forming Drugs—Possession, Sale, and Dispensing—Commitment of Drug Addicts. (Act Apr. 9, 1915.)

SECTION 1. *Sales at retail; restricted upon written prescription.*—That it shall be unlawful for any person to sell, barter, exchange, distribute, give away, or in any manner dispose of, at retail or to a consumer, opium or coca leaves, or any compound, manufacture, salt, derivative, or preparation thereof, within this State, except upon the original written prescription of a duly licensed physician, dentist, or veterinary surgeon, and pursuant to all the requirements of this act.

SEC. 2. *Preparations and remedies entirely exempted.*—That the provisions of this act shall not be construed to apply to the sale, barter, exchange, distribution, giving away, dispensing or the disposition in any manner, or the possession within this State of preparations and remedies which do not contain more than two grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than one grain of codeine, or any salt or derivative of any of them in one fluid ounce; or, if a solid or semisolid preparation, in one avoirdupois ounce; or to liniments, ointments, or other preparations which are prepared for external use only, except liniments, ointments, and other preparations which contain cocaine or any of its salts or alpha or beta eucaine or any of their salts or any synthetic substitute for them: *Provided*, That such remedies and preparations are sold, distributed, given away, dispensed, or possessed as medicines and not for the purpose of evading the intendment and provisions of this act. The provisions of this act shall not apply to decocainized coca leaves or preparations made therefrom, or to other preparations of coca leaves which do not contain cocaine.

SEC. 3. *Written prescription defined; duties relating thereto.*—That the original written prescription required by the provisions of section 1 of this act shall be signed in full by the duly licensed physician, dentist, or veterinary surgeon issuing it and dated as of the day on which so signed, and shall also indicate the office address, office hours, license number, and telephone number of such duly licensed physician, dentist, or veterinary surgeon, the name and address of the person to whom such written prescription is issued, and when given by a duly licensed veterinary surgeon shall indicate, in addition, the kind of animal for the treatment of which such written prescription is issued. No written prescription containing more than 4 grains of morphine, 16 grains of opium, 2 grains of heroin, 8 grains of codeine, or 2 grains of cocaine, shall be filled unless the due issuance and correctness thereof be first verified. No written prescription shall be filled without sufficient verification if for any reason the proper issuance and presentation thereof appears questionable. Such verification may be made by telephone or by some other sufficient method,

Such written prescription shall be exactly filled as soon as received, or as soon thereafter as practicable, but no such written prescription shall be filled more than 10 days subsequent to the date on which it was signed. The person filling such written prescription shall write or indicate thereon the date of filling and the date when and the name and address of the person to whom he delivers the drugs so prescribed. Such written prescription shall be filled but once and shall not be copied except for the purpose of record by the duly licensed physician, dentist, or veterinary surgeon issuing it or by the person filling it, and shall be preserved on file, receiving a consecutive file number, by the person filling it, for a period of two years from the day on which such prescription is filled, in such a way as to be readily accessible to inspection by the officers, agents, employees, and officials mentioned in section 8 of this act.

*SEC. 4. Written prescription to be issued in course of professional practice only.*—That it shall be unlawful for any duly licensed physician, dentist, or veterinary surgeon to issue the written prescription required by section 1 of this act except in good faith and in the course of his professional practice for medicinal purposes only. It shall be unlawful for any duly licensed veterinary surgeon to prescribe any of the drugs mentioned in this act for the treatment of or consumption by a human being.

*SEC. 5. Dispensing by a physician, dentist, or veterinary surgeon; restricted.*—That a duly licensed physician, dentist, or veterinary surgeon may dispense, distribute, or in any manner give within this State to his patient any of the drugs mentioned in this act, provided such dispensing, distribution, or giving is made in good faith and in the course of his professional practice for medicinal purposes only: *Provided further*, That such duly licensed physician, dentist, or veterinary surgeon shall keep a record of all such drugs so dispensed, distributed, or given, showing in each instance the amount so dispensed, distributed, or given, the date when, and the name and address of the patient to whom such drugs are so dispensed, distributed, or given, except such drugs as may be dispensed, distributed, or given to a patient upon whom such duly licensed physician, dentist, or veterinary surgeon shall personally attend; and such record shall be kept for a period of two years from the date of dispensing, distributing, or giving such drugs, subject to the inspection provided for in section 8 of this act. It shall be unlawful for any duly licensed veterinary surgeon to dispense, distribute, or give any of the drugs mentioned in this act for the treatment of or consumption by a human being.

*SEC. 6. Sales at wholesale; upon official order forms only.*—That, except as provided in the preceding sections of this act, it shall be unlawful for any person to sell, barter, exchange, distribute, give away, or in any manner dispose of within this State the drugs mentioned in this act except in pursuance of a written order in the form defined in this section of the person to whom any such drug is sold, bartered, exchanged, distributed, given away, or in any manner disposed of. Every person who shall accept any such order and in pursuance thereof shall sell, barter, exchange, distribute, give away, or in any manner dispose of any of the aforesaid drugs shall preserve such order for a period of two years in such a way as to be readily accessible to inspection by the officers, agents, employees, and officials mentioned in section 8 of this act. Every person who shall give an order as in this section provided to any other person for any of the aforesaid drugs shall, at or before the time of giving such order, make or cause to be made a duplicate thereof in the form defined in this section, and in case of the acceptance of such order shall preserve such duplicate for said period of two years in such a way as to be readily accessible to inspection by the officers, agents, employees, and officials mentioned in section 8 of this act. The official

order forms and the duplicate copies thereof issued by the Commissioner of Internal Revenue of the United States Treasury Department under the act of Congress approved December 17, 1914, entitled "An act to provide for the registration of with collectors of internal revenue and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes," shall be the official order forms and duplicate copies thereof required by this section. It shall be unlawful for any person to obtain by means of said order forms any of the aforesaid drugs for any purpose other than the use, sale, or distribution thereof by him in the conduct of a lawful business in said drugs or in the legitimate practice of his profession pursuant to the intentment of this act. The provisions of this section requiring official order forms shall not apply—

(a) To the sale, exportation, shipment, or delivery of any of the aforesaid drugs by any person within this State to any person in any foreign country, regulating their entry in accordance with such regulations for importation thereof into such foreign country as are prescribed by the said country pursuant to such regulations as are promulgated from time to time by the Secretary of State of the United States.

(b) To the sale, barter, exchange, or giving away of any of the aforesaid drugs to any officer of the United States Government or of any State, Territorial district, county, or municipal or insular government lawfully engaged in making purchases thereof for the various departments of the Army and Navy, the Public Health Service, and for Government, State, Territorial, district, county, or municipal or insular hospitals or prisons.

Sec. 7. *Record of receipts.*—That any person who produces, manufactures, compounds, deals in, dispenses, sells, distributes, gives away, or in any manner disposes of within this State any of the drugs mentioned in this act shall, whenever required so to do by the department of health of this State, render to said department a true and correct statement or return verified by affidavit setting forth the quantity of the aforesaid drugs received by him in this State during such period immediately preceding the demand of the said department not exceeding three months as the said department may fix and determine, the names of the persons from whom said drugs were received, the quantity in each instance received from each of such persons, and the date when received.

Sec. 8. *Inspection of records.*—That the order forms and duplicate copies thereof, the prescriptions, and other records required to be preserved under the provisions of sections 3, 5, and 6 of this act, and the statements or returns filed with the department of health under the provisions of section 7 of this act, shall be open to inspection by the department of health through its duly authorized officers, agents, and employees, and by such officers, agents, or employees of any organized municipality within this State as shall be duly charged with the enforcement of any municipal ordinance or provision regulating the sale, prescribing, dispensing, dealing in, or distribution of the drugs mentioned in this act, and also by the officers, agents, and employees of the United States Treasury Department duly authorized to make similar inspections under the act of Congress approved December 17, 1914, hereinbefore mentioned. Any such officer, agent, or employee who shall disclose or use the information contained in said statements or returns, or in said order forms or duplicate copies thereof, or in the other records mentioned in this section, except as herein expressly provided, and except for the purpose of enforcing the provisions of this act or the act of Congress approved December 17, 1914, hereinbefore mentioned, and except for the purpose of enforcing any ordinance of any organized municipality within this State, regulating the sale, prescribing, dispensing, dealing in, or distribution

of the aforesaid drugs, and except in the public interest, unless directed by a court, shall, on conviction, be fined or imprisoned as provided by section 19 of this act.

**SEC. 9. *Habitual users; treatment recorded.***—That a duly licensed physician who, in the course of his professional practice, and not for the purpose of evading the provisions of this act, prescribes for, dispenses, or in any manner gives any of the drugs mentioned in this act to a patient known to him as an habitual user of such drugs shall keep a record of all such drugs so prescribed, dispensed, or given, showing, in each instance, the amount so prescribed, dispensed, or given, the date when, and the name and address of the patient for or to whom such drugs are so prescribed, dispensed, or given, which record shall be preserved for a period of two years from the date of such prescribing, dispensing, or giving in such a manner as to be readily accessible to inspection by the department of health.

**SEC. 10. *Habitual users; commitment.***—That whenever a complaint shall be made in any police court, justice of the peace court, county or district court that any person is addicted to the use of the drugs mentioned in this act in a manner contrary to the public welfare, and such use is not prescribed, directed, or approved by a duly licensed physician acting in the course of his professional practice pursuant to the provisions of this act, and such judge or court, after a fair hearing held upon a reasonable notice, is satisfied that the complaint is sufficiently founded, he may commit such person to a State, county, or city hospital or institution. Whenever it shall appear to any magistrate that such person is no longer addicted to the use of the aforesaid drugs in a manner contrary to the public welfare, or in his discretion, he may order a discharge from such commitment. The provisions of this section shall not be construed to prohibit any person committed to any institution under its provisions from appealing to any court having jurisdiction for a review of the sufficiency of the evidence upon which the commitment was made.

**SEC. 11. *Revocation of license of habitual user.***—That the board of officers of this State duly empowered to issue a license to a physician, dentist, veterinary surgeon, pharmacist, or nurse, authorizing the practice of his profession in this State, may, at any time, and after a fair hearing held upon a reasonable notice, revoke such license upon the production of sufficient evidence that the licensee is addicted to the use of the drugs mentioned in this act in a manner contrary to the public welfare. Whenever it shall appear to such board or officers that such physician, dentist, veterinary surgeon, pharmacist, or nurse is no longer addicted to the use of the aforesaid drugs in a manner contrary to the public welfare they may reissue said license.

**SEC. 12. *Revocation of license after conviction.***—That a duly licensed physician, dentist, veterinary surgeon, pharmacist, or nurse duly convicted of a substantial violation of this act shall be liable to a revocation of his license by the board or officers of this State, duly empowered to issue such license, after a fair hearing held upon a reasonable notice, provided, such revocation shall be in the public interest. Such board or officers may, in their discretion, reissue such license.

**SEC. 13. *Unlawful delivery prohibited.***—That it shall be unlawful for any person to send, ship, carry, or deliver any of the aforesaid drugs within this State in a manner contrary to the provisions of this act: *Provided*, That nothing contained in this section shall be construed to apply to the delivery of the aforesaid drugs to common carriers or warehousemen, provided the requirements of this act are in all other respects complied with; or to the handling of the aforesaid drugs by any employee or agent, acting within the scope of his employment or agency, of any person dealing in such drugs pursuant to all the requirements of

this act; or to the delivery of the aforesaid drugs by a duly licensed physician, dentist, or veterinary surgeon to a nurse for administration to his patient under the direction and supervision of such duly licensed physician, dentist, or veterinary surgeon in the course of his professional practice.

SEC. 14. *Unlawful possession defined.*—That it shall be unlawful for any person to have in his possession or under his control any of the drugs mentioned in this act, if such possession or control is obtained in a manner contrary to the provisions of this act; and such possession or control shall be presumptive evidence of a violation of this act: *Provided*, That this section shall not apply to the possession or control of the aforesaid drugs by any employee or agent, acting, within the scope of his employment or agency, of any person dealing in such drugs pursuant to all the requirements of this act, and such possession or control does not operate to evade any of the provisions or the intentment of this act; or to the possession or control by a nurse, for medicinal treatment only and not on his own account, acting under the supervision and direction of a duly licensed physician, dentist, or veterinary surgeon engaged in the legitimate practice of his profession; or to the possession or control of the aforesaid drugs by any United States, State, county, municipal, or other duly authorized public officer or official who has such possession or control of the aforesaid drugs by a warehouseman or a common carrier holding such possession or control under the direction of a person who has received such drugs pursuant to the requirements of this act: *Provided further*, That it shall not be necessary to negative any of the aforesaid exemptions in any complaint, information, or indictment, or other writ or proceeding laid or brought under this act, and the burden of proof of any such exemption shall be upon the defendant.

SEC. 15. If any person make an affidavit before any justice of the peace, or judge of any county or district court, stating that he has reason to and does believe that any person has in his possession or under his control any of the drugs mentioned in this act, within the jurisdiction of such justice or court, and describing in such affidavit the person, premises, wagon, automobile, vehicle, contrivance, thing, or device to be searched, then such justice or the judge of such court, shall issue a warrant to any officer which the complainant may designate having power to serve original process, commanding such officer to search the person, premises, wagon, automobile, vehicle, contrivance, thing, or device described in such affidavit. Such warrant shall be substantially as follows:

STATE OF COLORADO,  
COUNTY OF \_\_\_\_\_ ss:

THE PEOPLE OF THE STATE OF COLORADO TO \_\_\_\_\_, Greeting:

Whereas there has been filed with the undersigned an affidavit of which the following is a copy (here copy the affidavit):

THEREFORE YOU ARE HEREBY COMMANDED, in the name of the people of the State of Colorado, forthwith, together with the necessary and proper assistance, to search

\_\_\_\_\_ (here describe the person, place, or thing mentioned in the affidavit), of the said \_\_\_\_\_, situate or being in the \_\_\_\_\_ of \_\_\_\_\_, in the county of \_\_\_\_\_ aforesaid, and there diligently search for the said drugs, and that you bring the same, or any part thereof, found in such search, together with such vessels in which such drugs are found and the implements and furniture used in connection therewith, forthwith before me, to be disposed of and dealt with according to law.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_

\_\_\_\_\_  
Judge of the \_\_\_\_\_ Court,  
or  
Justice of the Peace.

The officer charged with the execution of said warrant may, when necessary to obtain entrance, or when entrance has been refused, break open any premises, wagon, automobile, vehicle, contrivance, thing, or device which by said warrant he is directed to search; and such officer shall have the right to use such reasonable force as may be necessary to search any person whom by said warrant he is directed to search.

SEC. 16. *Duty of officer.*—If any of the drugs mentioned in this act are found on said person, or on or in any such place, said officer shall seize the same with the vessels in which they are contained and all implements and furniture used or kept for such illegal possession or control, and them safely keep, and make immediate return on such warrant. Such drugs, vessels, implements, and furniture shall be held subject to the order of the justice or the judge of the court issuing said warrant, as evidence in the prosecution of any case for the violation of any of the provisions of this act. Such drugs, vessels, implements, and furniture so seized shall not be taken from the custody of any officer seizing or holding the same, by a writ of replevin or other process, while the proceedings relating thereto are pending. Final judgment of conviction in such proceedings shall be, in all cases, a bar to any and all suits for the recovery of any drugs seized, or the value of the same, or for damages alleged to arise by reason of the seizure and detention thereof; and judgment shall be entered finding such drugs to be unlawful and directing their destruction, and the said vessels, implements, and furniture shall be likewise ordered destroyed, in the discretion of the justice or court; and the officer so ordered shall forthwith destroy same.

If no person is in possession of the premises where such drugs are found, the officer seizing the such drugs shall post in a conspicuous place on such premises a copy of his warrant, and if at the time fixed for said hearing, or within 30 days thereafter, no person appears, said justice of the peace or court shall order such drugs destroyed.

SEC. 17. *Officers' search.*—Any sheriff, deputy sheriff, constable, health officer, or any municipal officer designated by ordinance, acting within his jurisdiction, having personal knowledge or reasonable information that any of the drugs mentioned in this act are kept in violation of law or on any person or in any place, shall search such suspected person or place without a warrant and without any affidavit being filed, and if such officer find upon the person or the premises such drugs, he shall seize the same and arrest any person or persons in charge of such place or on whom such drugs are found, and shall take such person or persons with such drugs so seized forthwith, or as soon as convenient, before a justice of the peace or judge of any court in the county in which such seizure is made having jurisdiction as herein provided to try cases for a violation of this act, and such officer shall without delay make and file a complaint for such violation of law as the evidence justifies. It shall be lawful for officers in executing the duties imposed upon them by this section to break open doors or other inclosures for the purpose of obtaining possession of any such drugs, vessels, implements, and furniture, and to use such reasonable force as may be necessary to search any such suspected person.

SEC. 18. *Rules.*—That the rules and regulations made by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury for carrying into effect the act of Congress approved December 17, 1914, hereinbefore mentioned, shall, so far as applicable, be adopted for the enforcement of this act.

SEC. 19. *Municipality may enact.*—Any municipality may enact ordinances in conformity with the provisions of this act.

SEC. 20. *Person defined.*—That the word "person" as used in this act shall be construed to mean and include a partnership, association, company, or corporation as well as a natural person.

SEC. 21. *Enforcement.*—That the State board of health shall be charged with the duty of enforcing all of the provisions of this act, and in so doing shall work in conjunction with the district attorneys, health commissioners, sheriffs, and other peace and health officers of the State and officers of the United States Revenue Department.

SEC. 22. *Jurisdiction of courts.*—Justices of the peace and county courts in their respective counties shall have jurisdiction over all violations of this act which are declared herein to be misdemeanors, and district courts in their respective districts shall have jurisdiction over all civil suits arising under this act, except as in this act provided, and over all violations of this act.

SEC. 23. *Penalties.*—Any person, agent, employee, representative, manager, proprietor, pharmacist, physician, the member or members of any association, the officer or officers of any corporation, or any other person who shall violate any of the provisions of this act, and any person, association, or corporation whose officer, agent, employee, representative, or servant shall violate any of the provisions of this act, shall for the first offense be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$300, or by imprisonment in the county jail not less than 30 days nor more than 6 months, or both such fine and imprisonment, in the discretion of the justice or court. Every second and subsequent offense committed within five years of the first by any of the persons herein designated shall be deemed a felony, and upon conviction thereof he shall be imprisoned in the State penitentiary at hard labor not less than one year and not more than three years, and if a corporation be so convicted a second or subsequent time, it shall be fined in a sum of not less than \$1,000 nor more than \$5,000, and the license of any physician to practice medicine or the permit of any person to purchase or sell any of the drugs mentioned in this act so convicted a second or subsequent time shall be forfeited, and none shall thereafter be granted such person within a period of five years following such second or subsequent conviction. A certified copy of the entry or judgment or other proper court record, showing the former conviction of the defendant, from any justice, county or district court within this State, shall be conclusive proof of a former conviction.

SEC. 24. *Unconstitutional sections.*—If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The general assembly hereby declares that it would have passed the act and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

#### **Habit-Forming Drugs—Sale and Dispensing. (Reg. Bd. of H., July 8, 1915.)**

Pursuant to the authority vested in the Colorado State Board of Health under sections 18 and 21 of an act entitled "An act to regulate the sale, barter, exchange, distribution, dealing in, giving away, dispensing, or the disposition in any manner of opium or coca leaves, their salts, derivatives, or preparation, to regulate the treatment and to provide for the committal of the habitual users of such drugs, and for other purposes," approved April 9, 1915, which said act will hereinafter be referred to under the title of the "Colorado narcotic-drugs act," the following rules and regulations are hereby adopted for the enforcement of said act: